

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:11CR261
)	
Plaintiff,)	JUDGE JACK ZOUHARY
)	
v.)	
)	
RODNEY L. BROWN,)	
)	UNITED STATES' MOTION FOR A
Defendant.)	FINAL ORDER OF FORFEITURE

The United States of America respectfully requests that the Court review and approve the attached proposed Final Order of Forfeiture. In support of this motion, the undersigned counsel for the United States respectfully represents the following to the Court:

(1) In the Judgment in a Criminal Case [Dkt. No. 17], the following property, among others, was forfeited to the United States: Mossburg Model 500A shotgun, s/n SR353112. The undersigned counsel has learned that according to a report from the Perrysburg, Ohio, Police Department, this firearm is a stolen firearm. Therefore, as set forth in the attached proposed Order, the firearm should be released from this forfeiture action and returned to its legal owner or its legal owner's representative. If the legal owner cannot be located,

or is under disability, the attached proposed Order provides that the firearm should be destroyed.

(2) Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1) require notification of the forfeiture. Accordingly, notice was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on March 2, 2013 and ending on March 31, 2013. No third party claims to the subject properties were made as a result of the internet notification.

(3) The district court retains authority to enter a final order of forfeiture after an appeal is filed. *See, United States v. Messino*, 907 F. Supp. 1231, 1232 (N.D. Ill. 1995) (the district court retains jurisdiction over forfeiture matters while an appeal is pending; court may order forfeiture of substitute assets and enter final order of forfeiture where no third party files a claim).

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that on this 6th day of May, 2013, the foregoing United States' Motion for a Final Order of Forfeiture, with attached proposed Final Order of Forfeiture, was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ James L. Morford_____
James L. Morford
Assistant U.S. Attorney